

FILED
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2017 APR 12 PM 4:04

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM C. MULLEN, ET AL.,

Plaintiffs,

vs.

METROPOLITAN GROUP PROPERTY
AND CASUALTY INSURANCE
COMPANY, ET AL.,

Defendants.

CASE NO. 2 : 1 7 C V 0 3 1 0.

JUDGE Judge Graham

NOTICE OF REMOVAL

MAGISTRATE JUDGE KEMP

NOW COMES Defendant, Metropolitan Group Property and Casualty Insurance Company, by and through the undersigned attorney, and hereby timely files this removal pursuant to 28 U.S.C. Sections 1332, 1441 and 1446, removing this matter from the Court of Common Pleas, Jefferson County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division, and in support thereof, states as follows:

1. This action was commenced on March 17, 2017, by Plaintiffs, William C. Mullen and Sonja Mullen, against Defendant, Metropolitan Group Property and Casualty Insurance Company. See Summons (**Exhibit A**) and Complaint (**Exhibit B**) attached hereto.

2. Defendant, Metropolitan Group Property and Casualty Insurance Company, was served with the Summons and Complaint on March 21, 2017.

3. It has been less than 30 days since the date of service of process on Defendant, Metropolitan Group Property and Casualty Insurance Company.

4. This is a civil action for money damages. Plaintiffs, William and Sonja Mullen, are both alleging that they sustained personal injuries arising out of a motor vehicle accident which happened on or about January 21, 2015 when a vehicle that Plaintiffs were traveling in on State Route 43 in Carroll County, Ohio was involved in a motor vehicle accident with a motor vehicle being operated by Aimee Bertram. Both Plaintiffs allege that they sustained multiple injuries, pain and suffering, emotional distress, ambulance expenses and hospital and medical expenses. Plaintiffs allege that they were injured as the result of an uninsured motorist.

5. Plaintiffs allege that they had a policy of automobile insurance at the time of the accident issued by Defendant, Metropolitan Group Property and Casualty Insurance Company. Plaintiffs are asserting claims in this case for uninsured and/or underinsured motorist coverage, breach of contract and bad faith. Plaintiffs additionally seek to recover damages for inconvenience, mental anguish and loss of enjoyment of life as well as attorney fees and unspecified litigation expenses along with pre-judgment interest.

6. Plaintiffs allege in Paragraph 11 of the Complaint that Defendant is obligated to pay Plaintiffs up to the applicable limits of insurance for uninsured/underinsured motorist coverage in the amount of \$100,000 per person and \$300,000 per accident.

7. Paragraph 18 of Plaintiffs' Complaint alleges that Plaintiffs are entitled to recover from Defendant in the amount of \$100,000/\$300,000 and pre-judgment interest from January 21, 2015 through the date of payment.

8. Plaintiffs allege in Paragraph 28 of Plaintiffs' Complaint that they are entitled to recover attorney fees, litigation expenses and pre-judgment interest.

9. Plaintiffs seek recovery for compensatory damages in an unspecified amount greater than \$25,000. Plaintiffs also seek an award of punitive damages for an unspecified amount greater than \$25,000 along with attorney fees, litigation expenses, costs and pre-judgment interest.

10. The amount in controversy in this case based on Plaintiffs' allegations exceeds \$75,000.

11. This cause of action is removable to federal court pursuant to 28 U.S.C. Sections 1332 and 1441 because it is a civil action where the amount in controversy exceeds the value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

12. Plaintiffs are residents of Amsterdam, Ohio according to the addresses shown for Plaintiffs on the Complaint.

13. Defendant, Metropolitan Group Property and Casualty Insurance Company, is a foreign corporation incorporated in Rhode Island with its principal place of business in Rhode Island.

14. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1332. This action may be removed to this Court pursuant to 28 U.S.C. Section 1441(a).

15. This matter is properly removed by Defendant as this Notice of Removal is being filed and served within 30 days of the date of service on this Defendant.

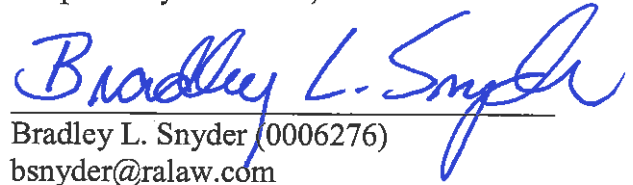
16. Defendant has paid all fees required by law in connection with this Notice of Removal.

17. Written notice of the filing of this Notice of Removal will be given to Plaintiffs and the Jefferson County Court of Common Pleas.

18. A copy of the Jefferson County Court of Common Pleas docket sheet is attached hereto as **Exhibit C**.

WHEREFORE, Defendant, Metropolitan Group Property and Casualty Insurance Company, hereby removes this action now pending against it to the United States District Court for the Southern District of Ohio, Eastern Division.

Respectfully submitted,



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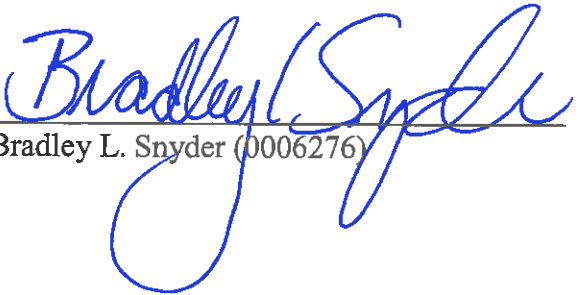
Attorney for Metropolitan Group Property
and Casualty Insurance Company

PROOF OF SERVICE

A copy of the foregoing was served on April 12, 2017 by sending it by

US mail, postage prepaid, to the address(es) identified below:

Jeffrey J. Bruzzese
Bruzzese & Calabria, LLC
100 North Fourth Street, 10th Floor
Steubenville, OH 43952
Attorney for Plaintiffs


Bradley L. Snyder (0006276)

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